

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BRIAN P. KELLY,	)	
	)	
Plaintiff,	)	
v.	)	No. 08 CV 2237
	)	
P. O. ADAM STAPLETON,	)	Judge Lefkow
P. O. THOMAS A. ROLAND, and	)	
P. O. JAMES P. GARRETT, individually,	)	Magistrate Judge Keys
	)	
Defendants.	)	

**NOTICE OF FILING**

**TO:** Mr. Gregory E. Kulis, [kulis\\_efiling@yahoo.com](mailto:kulis_efiling@yahoo.com)  
Mr. David Steven Lipschultz, [dlipschultz@kulislawltd.com](mailto:dlipschultz@kulislawltd.com)  
Ms. Shehnaz I. Mansuri, [smansuri@kulislawltd.com](mailto:smansuri@kulislawltd.com)  
Ms. Ronak D. Patel, [rpatel@kulislawltd.com](mailto:rpatel@kulislawltd.com)

**PLEASE TAKE NOTICE** that on the 30<sup>th</sup> day of June, 2008, I have caused to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, at the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, Answer to Complaint, a copy of which is attached hereto and served upon you.

***Respectfully submitted,***

Kimberly A. Fladhammer  
Assistant Corporation Counsel  
City of Joliet  
150 West Jefferson Street  
Joliet, Illinois 60432  
(815) 724-3800  
(815) 724-3801 FAX  
Reg. No. 06211232

**By: /s/ Kimberly A. Fladhammer**  
**One of his attorneys**

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that she served a copy of the foregoing Notice of Filing and Answer to Complaint upon the above-named parties by electronic filing on June 30, 2008.

/s/ Kimberly A. Fladhammer

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Defendants.	)	

**ANSWER TO COMPLAINT**

**NOW COMES** the Defendant, Officer Adam Stapleton, by and through his attorney, Kimberly A. Fladhammer, and in response to Plaintiff's Complaint, states as follows:

**COUNT I – EXCESSIVE FORCE**

1. This action is brought pursuant to the Laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff and accomplished by and/or omissions of the Defendants committed under color of law.

**ANSWER:**

Defendant admits the allegations in paragraph 1.

2. Jurisdiction is based on Title 28 U.S.C. §1343 and §1331.

**ANSWER:**

Defendant admits the allegations in paragraph 2.

3. The Plaintiff, Brian P. Kelly, at all relevant times was a United States citizen and permanent resident of the State of Illinois.

**ANSWER:**

Defendant denies the allegations in paragraph 3.

4. The Defendant, P.O. Adam Stapleton, was at all relevant times a duly appointed police officer of the City of Joliet and at all relevant times was acting under color of law as a law enforcement officer.

**ANSWER:**

Defendant neither admits nor denies the allegations in paragraph 4 and demands strict proof thereof.

5. The Defendant, P.O. Thomas A. Roland, was at all relevant times a duly appointed police officer of the Will County Sheriff's Department and at all relevant times was acting under color of law as a law enforcement officer.

**ANSWER:**

Defendant denies the allegations in paragraph 5.

6. The Defendant, P.O. James P. Garrett, was at all times a duly appointed police officer of the Illinois Department of Corrections and at all relevant times was acting under color of law as a law enforcement officer.

**ANSWER:**

Defendant denies the allegations in paragraph 6.

7. On or about April 21, 2007, the Plaintiff was in the vicinity of Dupont Rd. in Seneca, Illinois.

**ANSWER:**

Defendant admits the allegations in paragraph 7.

8. The Plaintiff was having an argument with his girlfriend.

**ANSWER:**

Defendant denies the allegations in paragraph 8.

9. The Plaintiff was not committing a crime or breaking any laws.

**ANSWER:**

Defendant denies the allegations in paragraph 9.

10. Without justification, the Defendants began to strike and beat the Plaintiff.

**ANSWER:**

Defendant denies the allegations in paragraph 10.

11. The use of force was unprovoked, unnecessary and excessive.

**ANSWER:**

Defendant denies the allegations in paragraph 11.

12. The Plaintiff was injured.

**ANSWER:**

Defendant denies the allegations in paragraph 12.

13. As a result of the actions of the Defendant, the Plaintiff received medical treatment.

**ANSWER:**

Defendant denies the allegations in paragraph 13.

14. To cover up the beating, the Defendants fabricated a criminal charge against the Plaintiff.

**ANSWER:**

Defendant denies the allegations in paragraph 14.

15. Said actions and inactions of the Defendant were intentional, willful and wanton.

**ANSWER:**

Defendant denies the allegations in paragraph 15.

16. Said actions of the Defendants, P.O. Adam Stapleton, P.O. Thomas A. Roland, and P.O. James P. Garrett, violated the Plaintiff's Fourth Amendment Rights and were in violation of said rights protected by 42 U.S.C. §1983.

**ANSWER:**

Defendant denies the allegations in paragraph 16.

17. As a direct and proximate consequence of said conduct of Defendants, P.O. Adam Stapleton, P.O. Thomas A. Roland, and P.O. James Garrett, the Plaintiff, Brian P. Kelly, suffered violations of his constitutional rights, monetary loss, fear, emotional distress, pain and suffering and future pain and suffering.

**ANSWER:**

Defendant denies the allegations in paragraph 17.

***WHEREFORE***, the Defendant, Officer Adam Stapleton, respectfully requests that this Court enter judgment in his favor and for such other relief this Court deems just.

**COUNT II – BATTERY**

1-14. The Plaintiff hereby realleges and incorporates his allegations of paragraphs 3-16 of Count I as his respective allegations of paragraphs 1-14 of Count II as though fully set forth herein.

**ANSWER:**

Defendant incorporates his answers to paragraphs 1-14 as if fully set forth herein.

15. The actions of the Defendants constitute battery.

**ANSWER:**

Defendant denies the allegations in paragraph 15.

**WHEREFORE**, the Defendant, Officer Adam Stapleton, respectfully requests that this Court enter judgment in his favor and for such other relief this Court deems just.

***Respectfully submitted,***

**By: /s/ Kimberly A. Fladhammer  
One of his attorneys**

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